

1
2
3 BILL NO. S-76-07-³~~34~~¹⁶

4 SPECIAL ORDINANCE NO. S- 70-76

5 AN ORDINANCE approving a contract with
6 EARTH CONSTRUCTION & ENGINEERING, INC.
7 for relocation of storm-sanitary sewer
8 for Senior Citizens Center

9 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
10 WAYNE, INDIANA:

11 SECTION 1. That the contract dated January 21, 1976,
12 between the City of Fort Wayne, by and through its Mayor and the
13 Board of Public Works and EARTH CONSTRUCTION & ENGINEERING, INC.
14 for relocation of storm-sanitary sewer, as follows:

15 Commencing at a proposed manhole located 15 $\frac{1}{2}$ feet north
16 of the intersection of Main Street and Harrison Street;
17 thence 605 $\frac{1}{2}$ feet west to a proposed manhole located 15 $\frac{1}{2}$
18 north of the centerline of Main Street and 3 $\frac{1}{2}$ feet west
19 of the centerline of Webster Street; thence 203 $\frac{1}{2}$ feet
20 south terminating at an existing manhole located 3 $\frac{1}{2}$ feet
21 west of the centerline of Webster Street and 188 $\frac{1}{2}$ feet
22 south of the centerline of Main Street

23 Said sewer to be 21, 18 and 15 inches in diameter with
24 all its appurtenances

25 for a total cost of \$37,588.99, of which 50% will be paid by the
26 Utility and 50% paid from the Sewer Relief Fund, all as more
27 particularly set forth in said contract which is on file in the
28 Office of the Board of Public Works and is by reference incorpor-
29 ated herein, made a part hereof and is hereby in all things ratified
30 confirmed and approved.

31 SECTION 2. This Ordinance shall be in full force and
32 effect from and after its passage and approval by the Mayor.

33
34
35


Councilman

APPROVED AS TO FORM
AND LEGALITY.



CITY ATTORNEY

Read the first time in full and in motion by Mrses, seconded by Shraga, and duly adopted: read the second time by title and referred to the Committee on Public Works (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 197____, at _____ o'clock P.M., E.S.T.

Date: 3-9-76 Charles Tittemore
CITY CLERK

Read the third time in full and on motion by Mrses, seconded by V. Schmidt, and duly adopted, placed on its passage. Passed (~~lost~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-HIT
TOTAL VOTES	<u>7</u>	<u>1</u>		<u>1</u>	
BURNS		<u>X</u>			
HINGA	<u>X</u>				
HUNTER	<u>X</u>				
MOSES	<u>X</u>				
NUCKOLS				<u>X</u>	
SCHMIDT, D.	<u>X</u>				
SCHMIDT, V.	<u>X</u>				
STIER	<u>X</u>				
TALARICO	<u>X</u>				

DATE: 4/13/76 Charles Tittemore
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (~~General~~) (Annexation) (Special) (~~Appropriation~~) Ordinance (Resolution) No. S-70-76 on the 12th day of April, 1976.

ATTEST: (SEAL)

Charles Tittemore
CITY CLERK

James S. Stier
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of April, 1976, at the hour of 11:00 o'clock A. M.S.T.

Charles Tittemore
CITY CLERK

Approved and signed by me this 14th day of April, 1976, at the hour of 5:15 o'clock P. M.S.T.

Robert Armstrong
MAYOR

~~Handwritten~~
~~Document~~

Hold until
4/13/76

Bill No. S-76-03-16

REPORT OF THE COMMITTEE ON PUBLIC WORKS

We, your Committee on Public Works to whom was referred an Ordinance
approving a contract with EARTH CONSTRUCTION & ENGINEERING, INC. for
relocation of storm-sanitary sewer for Senior Citizens Center

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance Do PASS.

Winfield C. Moses, Jr. - Chairman

Donald J. Schmidt - Vice-Chairman

Vivian G. Schmidt

Paul M. Burns

William T. Hinga

Winfield C. Moses Jr.
D. Schmidt

Vivian G. Schmidt

William T. Hinga

DATE 4-13-76 CONCURRED IN
CHARLES W. WESTERMAN, CITY CLERK



City Clerk Memorandum

CHARLES W. WESTERMAN, Clerk

To Joseph F. Morreale - Supt. of City Utilities Date 3-30-76
From Charles W. Westerman - City Clerk
Subject Appearance before Common Council Committee Session - April 6, 1976

COPIES TO:

RE: BILL NO. S-76-03-16
AN ORDINANCE approving a contract with EARTH CONSTRUCTION
& ENGINEERING, INC. for relocation of storm-sanitary sewer
for Senior Citizens Center

Your presence is respectfully requested by Common Council on April 6, 1976, at 7:00 o'clock P.M., Room 128. Specifically, Council has requested that you bring any material or information you may have which will help them reach a decision regarding the above bill.

If you have any questions please contact Mr. Winfield C. Moses, Jr., Chairman of Public Works Committee.

CONTRACT AND BOND

63-40-6 2/5/76

This Agreement, Made and entered into as of the 21st day of

January 19 76, by and between

EARTH CONSTRUCTION & ENGINEERING, INC.

the County of Allen and State of Indiana, party of the first part, and the City of Fort Wayne, County of Allen, State of Indiana, by and through its Board of Public Works, party of the second part, under and by virtue of an Act of the General Assembly of the State of Indiana, entitled "An act concerning municipal corporations," approved March 6, 1905, and the provisions of all acts amendatory thereto and supplemental thereof.

WITNESSETH, That the party of the first part covenants and agrees to construct Commencing at a proposed manhole located 15± feet north of the intersection of Main Street and Harrison Street; thence 605± feet west to a proposed manhole located 15± north of the centerline of Main Street and 3± feet west of the centerline of Webster Street; thence 203± feet south terminating at an existing manhole located 3± feet west of the centerline of Webster Street and 188± feet south of the centerline of Main Street.

Said sewer to be 21, 18 and 15 inches in diameter with all its appurtenances.

for the Following Prices

M.H. Type II 84"	Two Thousand Eight Hundred Ninety Eight Dollars Each	\$2,898.00
M.H. Type I 48"	Six Hundred Ninety Five Dollars Each	695.00
Catch Basin Type I	Four Hundred Forty Dollars Each	440.00
Remove Existing Catch Basin	One Hundred Fifty Dollars Each	150.00
21" R.C.P. Cl. III	Twenty One Dollars Forty Cents Per L.F.	21.40
18" R.C.P. Cl. III	Nineteen Dollars Twenty Five Center Per L.F.	19.25
15" R.C.P. Cl. III	Ten Dollars Sixty Cents Per L.F.	10.60
12" Catch Basin Pipe	Thirty Dollars Fifty Five Cents Per L.F.	30.55
#73 or #53 Stone Backfill	Eight Dollars Twenty Five Cents Per C.Y.	8.25
"B" Borrow Backfill	Four Dollars Forty Five Cents Per C.Y.	4.45
12" Deep Strength Asph. Sawed	Seventeen Dollars Forty Five Cents Per S.Y.	17.45
6" x 20" Curb Replacement	Fourteen Dollars Seventy Five Cents Per L.F.	14.75
Tap Existing M.H. X/15" Pipe	One Hundred Fifty Dollars Each	150.00
Bulkhead Existing 24" Pipe	One Hundred Fifty Dollars Each	150.00

The said party of the first part expressly agrees to make the improvements herein specified in strict accordance with the provisions of main Improvement Resolution No. 286-1975 and in accordance with the plans, profiles and specifications for the improvement on file in the office of the Department of Public Works of said city. The resolutions, profiles, plans, specifications and bids for work herein specified are hereby made a part of this contract as fully and effectually as if herein set out in full.

The said party of the first part further agrees to do and perform all of said work to the entire satisfaction of the Board of Public Works and to complete the same within days after the date of Execution of this contract. To each of the conditions and stipulations of this contract the undersigned bind themselves, their successors and assigns.

IN WITNESS WHEREOF, We, the foregoing named parties hereunto set our hands this 21st

day of January 19 76

EARTH CONSTRUCTION & ENGINEERING, INC.

BY: *Earl P. Hughes*

ITS: *Pres.*

Contractor, party of the first part.

This contract approved by us this 5th

day of February 19 76

Benny P. Kikrealey
Earl D. Sam
Max J. Scott

BOARD OF PUBLIC WORKS,
Party of the second part.

Robert Elmsbury Mayor

GUARANTY BOND

KNOW ALL MEN BY THESE PRESENTS, That we _____

EARTH CONSTRUCTION & ENGINEERING, INC.

Contractors

as principal and AMERICAN STATES INSURANCE CO.

as surety, are held and firmly bound to the City of Fort Wayne, Indiana, in the sum of FORTY
THOUSAND FIVE HUNDRED EIGHT-FIVE DOLLARS AND NINETY CENTS (\$ 40,585.90)

for the payment of which well and truly to be made we jointly and severally bind ourselves, our heirs, executors, administrators, and assigns firmly by these presents.

The conditions of the above obligations are, that whereas the said EARTH CONSTRUCTION & ENGINEERING, INC.

did on the 21st day of January, 1976 enter into a contract with the City of Fort Wayne, Indiana, by and through its Board of Public Works, for the construction of a sewer ~~in and~~
~~along~~ accordance with the provisions of main Improvement Resolution No. 286-1975

according to certain plans and specifications, and also warranting and guaranteeing the work, material and conditions of the sewer as provided in the aforesaid contract, plans and specifications.

Now, if the said EARTH CONSTRUCTION & ENGINEERING, INC.

shall faithfully perform and fulfill all the requirements of said warranty and guaranty, and make all repairs required under said guarantee, and in the manner provided for, then this bond to be null and void otherwise to be in full force and effect.

WITNESS our hands and seals this 21st day of January 19 76

EARTH CONSTRUCTION & ENG., INC. (SEAL)

BY: [Signature] (SEAL)

AMERICAN STATES INSURANCE CO. (SEAL)

BY: [Signature]

Approved this 5th day of February 19 76

[Signature]

[Signature]

[Signature]
Board of Public Works.

APPROVED AS TO FORM AND LEGALITY

[Signature]
ATTORNEY

LIABILITY BOND

KNOW ALL MEN BY THESE PRESENTS, That we _____

EARTH CONSTRUCTION & ENGINEERING, INC.

as principal and AMERICAN STATES INSURANCE COMPANY

as surety, are held and firmly bound to the City of Fort Wayne, Indiana, in the sum of _____

FORTY THOUSAND FIVE HUNDRED EIGHTY FIVE DOLLARS NINETY CENTS (\$ 40,585.90)

for the payment of which well and truly to be made we jointly and severally bind ourselves, our heirs, executors, administrators and assigns firmly by these presents.

The condition of the above obligations are such, that if the above named party of the first part shall faithfully comply with the foregoing contract made and entered into the 21st

day of January, 1976, with the City of Fort Wayne, Indiana, and shall faithfully fulfill all the conditions and stipulations therein contained, except the warranty and guaranty of the sewer as to the workmanship, material and conditions for the period of Three (3) years, according to the true intent and meaning thereof in all respects, then this obligation to be void, otherwise to be and remain in full force and virtue in law and in the event the said City shall extend the time for the completion of said work, such extension shall not in any way release the sureties on this bond.

Witness our hands and seals this 21st day of January 19 76

EARTH CONSTRUCTION & ENG., INC. (SEAL)

BY: *Carl P. Hughes* (SEAL)

AMERICAN STATES INSURANCE CO. (SEAL)

BY: *Israel C. Proctor* (SEAL)
ATTORNEY-IN-FACT

Approved this 5th day of February 1976

APPROVED AS TO FORM AND LEGALITY

Kenneth J. Burns
CITY ATTORNEY

Board of Public Works.

The Contractor will furnish immediately a certificate from the Industrial Board of the State of Indiana, that he has complied with Sections 5, 68, 69 of the Workmen's Compensation Act approved March 14, 1929, in accordance with Section 14 of the Compensation Act (Acts 1929, page 545, being Section 9459 of Burns Annotated 1952 Revision-Volume VIII). It is further stipulated that any judgment rendered against the City of Fort Wayne in any suits for damages for injury to real or personal property, or for any injury to real or personal property, or for any injury, sustained by any person growing out of any act or doing of Contractor, or its agents, employees or workmen and that any judgment of any court or award of any Board of Arbitrators or of the State Industrial Board of the State of Indiana rendered against the City of Fort Wayne in any suit or claim arising under said Workmen's Compensation Acts, of the State of Indiana, now in force, relating to compensation for accidental injuries or death suffered by his employees or the employees of any Subcontractor or Subcontractors in the course of their employment, when notice of the pendency of such suit, hearing or arbitration shall have been given said Contractor, shall be conclusive against Contractor as to amount, liability and all other things pertaining thereto; it being the intent of the parties hereto that Contractor indemnify and hold harmless City in the premises.

PROJECT

SENIOR CITIZEN CENTER COMBINATION CENTER

RES. NO. 286-1975

Page 1 of 3 pages

DATE 1/13/76

CONTRACTOR:				EARTH, INC.		BERCOT, INC.		DEHNER, INC.		
CERTIFIED CHECK		EQUAL EMPLOYMENT STATEMENT		X	X	X	X	X	X	
NON-COLLUSION AFFIDAVIT				X		X		X		
BID BOND				X		X		X		
FINANCIAL STATEMENT				X		X		X		
	DESCRIPTION	UNITS	U.P.	EXTENSION	U.P.	EXTENSION	U.P.	EXTENSION	U.P.	EXTENSION
1	Manhole Type II 84"	1 each	2,400.00	\$2,400.00	\$2,898.00	\$2,898.00	\$3,434.00	\$3,434.00	\$2,574.58	\$2,574.58
2	Manhole Type I 48"	3 each	700.00	2,100.00	695.00	2,085.00	657.50	1,972.50	482.20	1,446.60
3	Catch Basin Type I	4 each	600.00	2,400.00	440.00	1,760.00	620.00	2,480.00	687.75	2,751.00
4	Remove existing catch basin	3 each	100.00	300.00	150.00	450.00	250.00	750.00	150.00	450.00
5	21" R.C.P. C1. III	313± LF	28.00	8,764.00	21.40	6,698.20	16.61	5,198.93	31.79	9,950.27
6	18" R.C.P. C1. III	332± LF	23.00	7,636.00	19.25	6,391.00	13.09	4,345.88	22.37	7,426.84
7	15" R.C.P. C1. III	163± LF	18.00	2,934.00	10.60	1,727.80	10.50	1,711.50	17.45	2,844.35
8	12" R.C.P. Catch Basin Pipe	87± LF	14.00	1,218.00	30.55	2,657.85	8.35	726.45	13.57	1,180.59
9	#73 or #53 Stone Backfill	192.72± CY	9.00	1,734.48	8.25	1,589.94	8.00	1,541.76	7.66	1,476.24
10	"B" Borrow Backfill	301.45± CY	7.00	2,110.15	4.45	1,341.45	5.00	1,507.25	5.99	1,805.69
11	12" Deep Strength Asph. Sawed	535± SY	25.00	13,268.00	17.45	9,335.75	29.85	15,969.75	14.92	7,982.20
12	6"x20" Curb Replacement	24± LF	20.00	480.00	14.75	354.00	5.00	120.00	6.25	150.00
13	Tap Existing M.H. w/15" Pipe	1 each	50.00	50.00	150.00	150.00	100.00	100.00	100.00	100.00
14	Bulkhead Existing 24" Pipe	1 each	100.00	100.00	150.00	150.00	100.00	100.00	100.00	100.00
	Contractor's Total Bid			45,494.63		37,588.99		39,958.02		40,238.36
	Advertising Cost			40.00		40.00		40.00		40.00
	Utility Relocation			800.00		800.00		800.00		800.00
	Inspection & Engineering			4,549.46		4,549.46		4,549.46		4,549.46
TOTAL ESTIMATE			TOTAL	\$50,884.09	TOTAL	\$42,978.45	TOTAL	\$45,347.48	TOTAL	\$45,627.82

PROJECT

SENIOR CITIZEN CENTER COMBINATION CENTER

RES. NO. 286-1975

Page 3 of 3 pages

DATE 1/13/76

CONTRACTOR				NOBIS-WESTROPP, INC.					
CERTIFIED CHECK		EQUAL EMPLOYMENT STATEMENT		X	X				
NON-COLLUSION AFFIDAVIT				X					
BID BOND				X					
FINANCIAL STATEMENT				X					
DESCRIPTION	UNITS	U.P.	EXTENSION	U.P.	EXTENSION	U.P.	EXTENSION	U.P.	EXTENSION
1 Manhole Type II 84"	1 each	2,400.00	\$2,400.00	\$2,520.00	\$2,520.00				
2 Manhole Type I 48"	3 each	700.00	2,100.00	520.00	1,560.00				
3 Catch Basin Type I	4 each	600.00	2,400.00	640.00	2,560.00				
4 Remove existing catch basin	3 each	100.00	300.00	150.00	450.00				
5 21" R.C.P. Cl. III	313± LF	28.00	8,764.00	28.50	8,920.50				
6 18" R.C.P. Cl. III	332± LF	23.00	7,636.00	25.50	8,466.00				
7 15" R.C.P. Cl. III	163± LF	18.00	2,934.00	23.80	3,879.40				
8 12" R.C.P. Catch Basin Pipe	87± LF	14.00	1,218.00	22.45	1,953.15				
9 #73 or #53 Stone Backfill	192.72± CY	9.00	1,734.48	6.80	1,310.49				
10 "B" Borrow Backfill	301.45± CY	7.00	2,110.15	5.20	1,567.54				
11 12" Deep Strength Asph. Sawed	535± SY	25.00	13,268.00	14.50	7,757.50				
12 6"x20" Curb Replacement	24± LF	20.00	480.00	5.50	132.00				
13 Tap Existing M.H. w/15" Pipe	1 each	50.00	50.00	275.00	275.00				
14 Bulkhead Existing 24" Pipe	1 each	100.00	100.00	200.00	200.00				
Contractor's Total Bid			45,494.63		41,551.58				
Advertising Cost			40.00		40.00				
Utility Relocation			800.00		800.00				
Inspection & Engineering			4,549.46		4,549.46				
TOTAL ESTIMATE			TOTAL	\$50,884.09	TOTAL	46,941.04	TOTAL		TOTAL

PROJECT

SENIOR CITIZEN CENTER COMBINATION CENTER

RES. NO. 286-1975

Page 2 of 3 pages
DATE 1/13/76

CONTRACTOR:				DAILEY, INC.		T&G EXCAVATING, INC.		HIPSKIND, INC.	
CERTIFIED CHECK		EQUAL EMPLOYMENT STATEMENT		X	X	X	X	X	X
NON-COLLUSION AFFIDAVIT				X		X		X	
BID BOND				X		X		X	
FINANCIAL STATEMENT				X		X		X	
DESCRIPTION	UNITS	U.P.	EXTENSION	U.P.	EXTENSION	U.P.	EXTENSION	U.P.	EXTENSION
1 Manhole Type II 84"	1 each	2,400.00	\$2,400.00	\$1,920.00	\$1,920.00	\$1,787.00	\$1,787.00	\$3,000.00	\$3,000.00
2 Manhole Type I 48"	3 each	700.00	2,100.00	625.00	1,875.00	495.00	1,485.00	700.00	2,100.00
3 Catch Basin Type I	4 each	600.00	2,400.00	690.00	2,760.00	415.00	1,660.00	500.00	2,000.00
4 Remove existing catch basin	3 each	100.00	300.00	120.00	360.00	185.00	555.00	100.00	300.00
5 21" R.C.P. Cl. III	313± LF	28.00	8,764.00	27.78	8,695.14	26.22	8,206.86	28.00	8,764.00
6 18" R.C.P. Cl. III	332± LF	23.00	7,636.00	26.04	8,645.28	23.92	7,941.44	27.00	8,964.00
7 15" R.C.P. Cl. III	163± LF	18.00	2,934.00	24.30	3,960.90	22.67	3,695.21	25.00	4,075.00
8 12" R.C.P. Catch Basin Pipe	87± LF	14.00	1,218.00	23.40	2,035.80	19.50	1,696.50	22.00	1,914.00
9 #73 or #53 Stone Backfill	192.72± CY	9.00	1,734.48	8.10	1,561.03	7.70	1,483.94	9.85	1,898.29
10 "B" Borrow Backfill	301.45± CY	7.00	2,110.15	8.10	2,441.75	6.40	1,929.28	8.00	2,411.60
11 12" Deep Strength Asph. Sawed	535± SY	25.00	13,268.00	10.80	5,778.00	18.40	9,844.00	12.00	6,420.00
12 6"x20" Curb Replacement	24± LF	20.00	480.00	12.00	288.00	12.00	288.00	10.00	240.00
13 Tap Existing M.H. w/15" Pipe	1 each	50.00	50.00	120.00	120.00	195.00	195.00	100.00	100.00
14 Bulkhead Existing 24" Pipe	1 each	100.00	100.00	145.00	145.00	85.00	85.00	100.00	100.00
Contractor's Total Bid			45,494.63		\$40,585.90		\$40,852.23		\$42,286.89
Advertising Cost			40.00		40.00		40.00		40.00
Utility Relocation			800.00		800.00		800.00		800.00
Inspection & Engineering			4,549.46		4,549.46		4,549.46		4,549.46
TOTAL ESTIMATE			TOTAL \$50,884.09	TOTAL \$45,975.36		TOTAL \$46,241.69		TOTAL \$47,676.35	



City Clerk Memorandum

CHARLES W. WESTERMAN, Clerk

To Henry P. Wehrenberg - Chairman Board of Works Date 3-30-76
From Charles W. Westerman - City Clerk
Subject Appearance before Common Council Committee Session - April 6, 1976

COPIES TO:

RE: BILL NO. S-76-03-16

AN ORDINANCE approving a contract with EARTH CONSTRUCTION
& ENGINEERING, INC. for relocation of storm-sanitary sewer
for Senior Citizens Center

Your presence is respectfully requested by Common Council on April 6, 1976, at 7:00 o'clock P.M., Room 128. Specifically, Council has requested that you bring along any material or information you may have which will help them reach a decision regarding the above bill.

If you have any questions please contact Mr. Winfield C. Moses, Jr.,
Chairman of Public Works Committee.

DIGEST SHEET

TITLE OF ORDINANCE Special Ordinance

DEPARTMENT REQUESTING ORDINANCE Board of Public Works

SYNOPSIS OF ORDINANCE Provides for contract with Earth Construction & Engineering, Inc. in amount of \$37,588.99 for relocating of storm-sanitary sewer line to serve the new Senior Citizens Center.

Information: Please note the contract amount is \$37,588.99 but the bond is written for \$40,585.90

EFFECT OF PASSAGE Allow for needed sewer relocation.

EFFECT OF NON-PASSAGE No sewer service for Senior Citizens Center

MONEY INVOLVED (Direct Costs, Expenditures, Savings) 50% paid by Utility, 50% paid from Community Development Funds Sewer Relief Fund.

ASSIGNED TO COMMITTEE

Public Works JST